



January 26, 2007

SENATE BILL No. 347

DIGEST OF SB 347 (Updated January 24, 2007 11:40 am - DI 106)

Citations Affected: IC 31-31; IC 31-37; IC 33-33.

Synopsis: Marion County juvenile detention centers. Moves control of the Marion County juvenile detention centers from the Marion County juvenile judge to the executive committee of the Marion County judges. Makes conforming amendments. Provides that a probation officer may be present at a juvenile delinquency dispositional hearing under certain circumstances.

Effective: July 1, 2007.

Bray, Lubbers, Breaux

January 11, 2007, read first time and referred to Committee on Judiciary.
January 25, 2007, reported favorably — Do Pass.

C
o
p
y

SB 347—LS 7424/DI 107+



January 26, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 347

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 31-31-9-1.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2007]: **Sec. 1.5. As used in this chapter, "executive committee"**
4 **means the executive committee elected under IC 33-33-49-14.**
5 SECTION 2. IC 31-31-9-2 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. The ~~juvenile court~~
7 **executive committee** shall operate and maintain all juvenile detention
8 centers located within the county.
9 SECTION 3. IC 31-31-9-4 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. The ~~juvenile court~~
11 ~~judge~~, **executive committee**, after soliciting the views of the advisory
12 board described in section 8 of this chapter, shall establish criteria for
13 admission to the juvenile detention center. The power to order
14 admission to the center remains with the court.
15 SECTION 4. IC 31-31-9-5 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. The ~~juvenile court~~
17 ~~judge~~ **executive committee** shall appoint a superintendent of juvenile

SB 347—LS 7424/DI 107+



C
o
p
y

detention centers located in the county. The superintendent serves at the pleasure of the ~~judge~~ **executive committee**.

SECTION 5. IC 31-31-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. Under the direction of the ~~juvenile court judge~~, **executive committee**, the superintendent shall do the following:

- (1) Supervise the operations of the juvenile detention centers so as to provide sound physical care in compliance with state, county, and other health requirements.
- (2) Coordinate a program of constructive activities.
- (3) Administer sound, fair, and impartial employment practices.
- (4) Supervise employees of the juvenile detention center.
- (5) Promote good public relations within the community.
- (6) Make necessary written reports to the juvenile court judge **and the executive committee** regarding transfers, escapes, or destruction of center property.
- (7) Make an annual inspection of the juvenile detention center and report in writing to the juvenile court judge **and the executive committee** any noncompliance with standards established by the commission on accreditation for corrections.
- (8) Perform all other duties assigned by the ~~juvenile court judge~~ **executive committee**.

SECTION 6. IC 31-31-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) The juvenile detention center advisory board shall:

- (1) review the operations of juvenile detention centers located within the county; and
- (2) advise the **executive committee and the juvenile court judge** on matters relating to the detention of juveniles in the county.

(b) The advisory board may adopt rules and bylaws for the management and regulation of the advisory board's affairs, and may do all things necessary and convenient to carry out this chapter.

SECTION 7. IC 31-31-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) The advisory board consists of the following seven (7) members:

- (1) Two (2) members, appointed by the ~~juvenile court judge~~, **executive committee**, who are not members of the same political party.
- (2) Two (2) members, appointed by the mayor of the consolidated city, who are not members of the same political party.
- (3) Three (3) members, appointed by the council, not more than two (2) of whom may be members of the same political party.

C
o
p
y



(b) Members of the advisory board must be residents of the county who have demonstrated an interest in and knowledge of the juvenile justice system.

SECTION 8. IC 31-31-9-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. The ~~juvenile court judge~~ **executive committee** shall annually prepare the detention center budget and forward the budget to the county fiscal officer in accordance with IC 36-3-6-4.

SECTION 9. IC 31-37-18-1.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1.1. (a) At a dispositional hearing under this chapter, the person that prepared the predispositional report **or a probation officer described in subsection (b):**

- (1) must be present; and
- (2) must present testimony when requested to explain how the individuals participating in the conference described in IC 31-37-17:

(A) examined the available options; and

(B) recommended the options that most closely coincide with the guidelines provided in IC 31-37-17-4.

(b) A probation officer may be present at a hearing described in subsection (a) if the probation officer has knowledge of:

- (1) a conference held under IC 31-37-17-1.1; and**
- (2) the report and recommendations made under IC 31-37-17-1.**

SECTION 10. IC 33-33-49-14, AS AMENDED BY P.L.80-2006, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) Not more than thirty (30) days after taking the oath of office, the judges shall meet and designate four (4) of the judges as the executive committee for administrative purposes. The executive committee shall be selected by a vote of two-thirds (2/3) of the judges sitting at the time the vote is taken. If all vacancies cannot be filled by a two-thirds (2/3) vote, vacancies may be filled by such other method as provided by court rule. The executive committee is responsible for the operation and conduct of the court. **The executive committee shall operate and maintain the juvenile detention facilities in the county.** A member of the executive committee shall serve in the capacity provided by rules adopted by the court under section 11 of this chapter. A member of the executive committee serves for a term of two (2) years beginning on the date of the member's election. Except for the rotation of the presiding judge as provided in subsection (b), any or all of the members elected to the executive

C
o
p
y



committee may be reelected. Of the four (4) judges elected to the executive committee, not more than two (2) may be members of the same political party.

(b) One (1) of the four (4) judges elected to the executive committee shall be elected as presiding judge, and three (3) of the four (4) judges elected to the executive committee shall be elected as associate presiding judges. Beginning with the election of the executive committee in 2007, a presiding judge may not be elected from the same political party as the presiding judge who served the previous term. Each judge who is a member of the executive committee has an equal vote in all matters pertaining to the business of the court when an action requires a majority vote. If a tie vote occurs, the presiding judge shall cast the tiebreaking vote. Any action taken by the executive committee may be overruled by a vote of two-thirds (2/3) of all the judges sitting at the time the vote is taken. The physical reassignment of a judge to a different courtroom requires a unanimous vote of the executive committee. The executive committee shall assign cases, offices, and courtrooms for trial judges or reassignment of newly filed cases in the interests of the speedy, economical, and uniform disposition of cases. All matters of trial dates, continuances, and subpoenas used for trial shall be determined by the trial judge in accordance with rules of the superior court. The executive committee shall perform other duties as determined by rules of the court.

(c) The court shall, by rules of the court, divide the work of the court into various divisions, including but not limited to the following:

- (1) Civil.
- (2) Criminal.
- (3) Probate.
- (4) Juvenile.

(d) The work of each division shall be allocated by the rules of the court.

(e) The judges shall be assigned to various divisions or rooms as provided by rules of the court. Whenever possible, an incumbent judge shall be allowed the option of remaining in a particular room or division. Whenever any action of the court is required, the judges of the court shall act in concert, by a vote under section 11 of this chapter. The court shall keep appropriate records of rules, orders, and assignments of the court.

**C
o
p
y**



SENATE MOTION

Madam President: I move that Senator Lubbers be added as coauthor of Senate Bill 347.

BRAY

SENATE MOTION

Madam President: I move that Senator Breaux be added as coauthor of Senate Bill 347.

BRAY

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 347, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 347 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 8, Nays 0.

C
O
P
Y

